

West Texas Fertilizer Company Explosion
Desk Statements and QAs Used to Respond to Press Inquiries
4/19/13
3:30pm

Friday, 4/19/13

Q: Is the EPA investigating the adequacy of the company's risk management plan?

We got the plan two years ago and reviewed it. The worse case scenario was an accidental release of all 54,000 pounds of anhydrous ammonia into the community. At room temperature anhydrous ammonia is a gas. This scenario is a plausible worse-case scenario as gaseous anhydrous ammonia can be lethal.

Q: Do you suspect there were chemicals such as ammonium nitrate stored there that were not included in their risk management plan?

Clean Air Act (CAA) 112r requires a facility to address catastrophic accidental air releases of chemicals in its Risk Management Plan. Ammonium nitrate, a solid, is not currently a chemical material addressed by this provision of the CAA. We do not yet know what happened at this facility. The ongoing investigation will inform us on the plan's adequacy. In addition, the investigation will review if there are any violations. Based on the results of this investigation, EPA will review if changes are required.

Specific Press Inquiries:

Q: Why was this facility Risk Management Plan level 2 and not level 3?

Program 3 only applies to processes not eligible for Program 1 and either subject to OSHA's Process Safety Management (PSM) standard under federal or state OSHA programs or classified in one of ten specified North American Industrial Classification System (NAICS) codes. The facility did not meet this requirement.

What did EPA do to verify that it met the standards for qualifying as RMP 2 and not RMP 3?

EPA reviewed the RMP from the facility to determine the RMP was complete and correct.

Was the site claiming a retail exemption under RMP or EPCRA? If so, what was done to verify that this was legitimate?

We are not aware of the site claiming a retail exemption.

It appears that this issue came up at a March 22, 2012, Senate Environment & Public Works Committee hearing. Is the EPA attempting to close the exemption for Ag Retailers under EPCRA (or any other statute), and does this include West Fertilizer?

The retail exemption under EPCRA is a statutory exemption under the definition of hazardous chemical and thus cannot be changed or removed by EPA.

Q: Was the site claiming a retail exemption under Risk Management Plan or EPCRA?

No.

Thursday, 4/18/13

Desk Statement: 4/18/13, evening

EPA and other federal agencies are working with the State of Texas to understand what caused the tragic incident in West, Texas. Chemical plant safety is a high priority issue, and EPA is committed to

continuing to work with our federal partners and stakeholders to pursue opportunities to increase the safety of chemical plants.

Desk Statement: 4/18/13, afternoon

EPA conducted an inspection of the Risk Management Plan at West Chemical and Fertilizer on March 16, 2006, and found a number of deficiencies. EPA fined the facility \$2,300 on August 14, 2006, and directed the company to correct the deficiencies. The company certified they corrected the deficiencies. The facility, which is required by law to submit an updated plan at least every five years, submitted an updated plan in 2011.

The deficiencies identified by inspectors in 2006 included:

- Failure to update its RMP in a timely manner. The update was due in 2004, but wasn't updated until 2006.
- Failure to document that hazards identified in the hazard review had been addressed.
- Operating procedures failed to address consequences of deviation.
- Poor employee training records.
- The company had not developed a formal written maintenance program.

The West Chemical and Fertilizer facility is subject to the Chemical Accident Prevention provisions at 40 CFR Part 68 because the quantity of ammonia on-site exceeds 10,000 lbs. It has not had a major accident in the last five-years.

Current Status: At the request of the state, and in coordination with FEMA and other federal agencies, EPA's Region 6 has deployed 2 OSCs, 8 contractors and the mobile command post to the site. Additional on-scene coordinators and contractors are on standby. Air monitoring will be conducted. The OSCs will coordinate with TCEQ and multiple state and local partners on the response.

Qs and As, 4/18/13

Q: Does EPA regulate fertilizer; if not, is it a state responsibility?

EPA regulates ammonia, an ingredient in fertilizer manufacturing, under the Chemical Accident Prevention Provisions at 40 CFR Part 68, also known as the Risk Management Program. States may also have their own requirements.

Q: What enforcement actions has EPA taken against this plant; how do we get a copy?

The facility is subject to the Chemical Accident Prevention provisions at 40 CFR Part 68 because the quantity of ammonia on-site exceeds 10,000 lbs. It has not had a major accident in the last five-years. Region 6 inspected the facility in March 2006 and settled an enforcement action against West Fertilizer in August 2006 alleging deficiencies in the implementation of their Risk Management Program. The assessed penalty was \$2300. The facility submitted last submitted an updated plan in 2011.

Q: What is EPA doing on the scene for emergency response?

Region 6 has deployed 2 OSCs, 8 contractors and the mobile command post to the site. Additional OSCs and contractors are on standby. Air monitoring will be conducted. The OSCs will coordinate with TCEQ and multiple state and local partners on the response.

Q: What might the explosion mean in terms of air quality?

Region 6 will continue to monitor air quality and information will be available as we have additional information.

Q: Is there a risk management plan for the facility? How do we see it?

Yes, West Fertilizer has submitted a Risk Management Plan (copy attached).

Q: In a sentence, what is the purpose of risk management plans?

Risk management plans describe the ways in which a facility reduces the likelihood of accidental releases of extremely hazardous substances and their plans for dealing with any accidental releases which may occur.

Q: What are the potential health threats from the explosion

We are unable to determine the potential health threats from the explosion at this time. We will continue to monitor the situation.

Link to RPM:

<http://www.epa.gov/region6/newsevents/index.html>

**Questions and Answers for Office of Management and Budget
(from Region 6)
4/19/13**

Was this plant an RMP facility?

Yes, this plant is subject to Clear Air Act 112r requirements.

If so, did it fall under the high-risk category?

No. This plant was not classified as high risk facility based on as defined by Agency guidance

When was the last time that EPA inspected the facility?

EPA inspected the facility in 2006 and violations were found.

Does EPA have a role in assisting the local community with the response?

Yes. EPA provides technical assistance to State regulatory agencies upon request.

If so, please describe the activities that EPA is undertaking?

The State of Texas, specifically the Texas Commission of Environmental Quality has requested technical assistance in conducting air monitoring based on EPA's expertise and assets.

Has EPA issued any public guidance on evacuations, etc. in response to the blast?

No. Local authorities determine scope and length of evacuations. The State of Texas is overseeing the response and has not requested DHS FEMA assistance. EPA is assisting TCEQ with air monitoring of the area. TCEQ and TDH is interpreting information in support of the state-lead response.

Is the local community responding under a contingency plan that EPA helped develop?

It is unknown to EPA if the small community of West, Texas, has an independent contingency plan. McLennan County has maintained an active LEPC, which includes Waco and all other communities within the county, and as an LEPC have a contingency plan that EPA has provided training and assistance with historically. The McLennan County Office of Emergency Management is responsible for developing and maintaining the McLennan County Emergency Operations Plan.

What are the chemicals of concern that may have been released?

Anhydrous ammonia

Ammonium nitrate

What are the next steps in determining the cause of the fire and explosion?

EPA does not identify the cause of the explosion. State-lead agencies along with federal investigative agencies (FBI and ATF) will determine the cause as appropriate. The cause of the explosion is still under investigation.